IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Devender Singh Rathore & Ors. Vs. Union of India & Ors.

S.B.CIVIL WRIT PETITION NO.3745/2006

DATE OF ORDER :: April 03, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Ravindra Paliwal for Mr.Sanjay Mathur, for the petitioners.
Mr.Vineet Kumar Mathur, for the respondent.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioners seek a direction to the respondents to grant the benefit of Hospital Patient Care Allowance.

I have heard learned counsel for the parties.

In Annexure-4 dt. 24.8.2005, it has been stated by the respondents that the Hospital Patient Care Allowance has been granted to the persons, who are similarly situated to the

petitioners and obtained the orders from the Court and since there is no order with respect to the present petitioners and, therefore, they did not accept the request for grant of Hospital Patient Care Allowance. However, they stated that such issue is pending under consideration before the Government of India, Ministry of Home Affairs.

Learned counsel for the petitioners submits that the similarly situated persons approached to the Gauhati High Court by way of writ petition and the writ petition has been allowed and the same has attained finality. It is also submitted that similar controversy was raised by way of original application (for short `the O.A' hereinafter) before Central Administrative Tribunal, New Delhi (for short `the CAT' hereinafter) by similarly situated persons and O.A. came to be allowed against which an appeal was preferred before the Hon'ble Supreme Court, which came to be dismissed. Reference has been made in Schedule-A to the writ petition.

In reply to the writ petition, the respondents have not denied the entitlement of benefit of the Hospital Patient Care Allowance but stated that the matter is under consideration and such allowance has been paid to the similarly situated persons, who have obtained orders from the Court. Be that as it may, the

entitlement of the petitioners has not been denied. The petitioners approached to the respondents by way of legal notice in the form of legal notice, for demand of justice by Annexure-3 dt.15.7.2005. Since the entitlement of the petitioners has not been disputed and the matter is under consideration as stated by the respondents in the reply as well as in the document Annexure-4, in my view, the writ petition can be disposed of by directing the respondents to decide the representation, may be in the form of legal notice, for demand of justice through counsel.

In this view of the matter, the respondents are directed to decide the representation Annexure-3 dt. 15.7.2005 within three months from today and if the petitioners are entitled for Hospital Patient Care Allowance, the same may be granted to them.

With these directions, the writ petition stands disposed of. There shall be no order as costs.

[H.R.PANWAR],J.

m.asif/-